UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,153	10/02/2001	Leonid Fridman	Vert00-4NP	9604

40320   7590   05/05/2005

BURNS & LEVINSON LLP
1030 15TH STREET NW, SUITE 300
WASHINGTON, DC 20005-1501

EXAMINER
KE, PENG

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/970,153	FRIDMAN ET AL.
		Examiner	Art Unit
		Peng Ke	2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>1/ 19/ 05</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-8 & 11-22 is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-8 & 11-22 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail. Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 1/ 19/05.

This action is final.

Claims 1-8 and 11-22 are pending in this application. Claims 1, 12, and 17 are

independent claims. In the Amendment, filed on 1/19/05, claims 1 and 11-22 were amended.

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Moraes (US. 6,014,502) in view of Treyz et al. (US 6,526,335).

As per claim 1, Moraes teaches a computerized method of individually selecting which

messages to show on each of one or more electronic displays comprising (col. 5 ,lines 13-18):

for each of a plurality of messages which are to be shown on said displays, calculating a

desired display rate as a function of a desired number of exposures of such messages to be made

within a remaining period of time (col. 19, lines 9-40);

-selecting which of possible messages to show on an individual display at a given time as

a function of the relative values of the desired display rates associated with different messages,

so as to favor the selection of messages having a higher desired display rate (col. 20, lines 45-55); and

-using information that a given message has been selected to be shown on a given display to update the calculation of the desired display rate for given message by decreasing the number of showings of the given message which are to be made in a remaining period of time associated with the message (col. 19, lines 40-50).

However, Moraes fails to teach determining the geographical coordinates and current time of the vehicle by the GPS system, which in turn determines the location and current of the electronic displays, as a function of a desired number of exposures of the message to be made at the vehicle's location.

Treyz et al. teaches determining the geographical coordinates (col. 1, lines 36-45) and current time of the vehicle (col. 2, lines 15-25) by the GPS system, which in turn determines the location and current of the electronic displays, as a function of a desired number of exposures of the message to be made at the vehicle's location. (col. 2, lines 1-68)

It would have been obvious to an artisan at the time of the invention to include Treyz's teaching with method of Moraes in order to provide users with a personalized computer system with their vehicles.

As per claim 12, Moraes and Treyz teach a computerized method of individually selecting which messages to show on each of a one or more electronic display comprising:

-for each of a plurality of messages which are to be shown on said displays, calculating a desired display rate as a function of a desired number of exposures of such messages to be made to one or more particular types of people within a remaining period of time (col. 20, lines 45-55);

-for each of different individual opportunities to show a message on a given display at a given time, determining a corresponding estimate of the number of one or more different types of people available to see a message shown (col. 20, lines 45-55).

-in that display opportunity, said number being determined from a set of three or more possible numerical values (col. 19, lines 9-29);

-selecting which of said plurality of messages to show for a given display opportunity as a function of both the estimate of the number of one or more different types of people available to see a message shown for that display opportunity, and the display rates of exposures to one or more different types of people associated with different messages (col. 20, lines 45-55); and

-using information that a given message has been selected to be shown for a given display opportunity to update the calculation of the display rate for the given message by decreasing the display rate's associated number of exposures to be made to one or more given types of people by the number of those one or more different types of people estimated to be available to see the messages shown during the given display opportunity (col. 19, lines 9-29).

However, Moraes fails to teach determining the geographical coordinates and current time of the vehicle by the GPS system, which in turn determines the location and current of the electronic displays, as a function of a desired number of exposures of the message to be made at the vehicle's location.

Treyz et al. teaches determining the geographical coordinates (col. 1, lines 36-45) and current time of the vehicle (col. 2, lines 15-25) by the GPS system, which in turn determines the location and current of the electronic displays, as a function of a desired number of exposures of the message to be made at the vehicle's location. (col. 2, lines 1-68)

It would have been obvious to an artisan at the time of the invention to include Treyz's

teaching with method of Moraes in order to provide users with a personalized computer system

with their vehicles.

As per claim 13, Moraes and Treyz et al. teaches method as in Claim 12. Moraes further

teaches wherein said number of one or more particular types of people estimated to have an

opportunity to see an individual showing of a given message on a given display is determined, at

least in part, by a computerized estimate of the number of one or more particular types of people

in a location (col. 19, lines 8-41) associated with the given display based on sensor information

received from that location within an hour of the showing of the message (col. 5, lines 3-13, col.

20, line 34-56).

As per claim 14, Moraes and Treyz et al teach a computerized method as in Claim 12.

Moraes further teaches wherein said number of one or more particular types of people estimated

to have an opportunity to see a given showing of a given message on a given display is

determined, at least in part, by using a computerized database which stores estimates of the

number of a plurality of different types of people in each of a plurality of location (col. 19, lines

8-41) at each of a plurality of times, to produce said estimate of the number of one or more

particular types of people who have an opportunity to see the given showing of the given

message as a function of the location and time of the given showing (col. 5, lines 3-13, col. 20,

line 34-56).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hagebarth (US

6,546,086) in view of Treyz et al. (US 6,526,335).

As per claim 17, Hagebarth teaches a computerized method of individually selecting which messages to show on each of one or more electronic displays having different physical locations, said method comprising:

-storing for each of a plurality of messages one or more criteria desired for showings of said message (col. 3, lines 40-55);

-obtaining information regarding the values for said criteria associated the opportunity to show a message on a given display at a given time, including obtaining values for one or more of said criteria as a function of physical location of the given display (col. 3, lines 40-55);

-calculating a score as a function of the match between the criteria associated with each of said plurality of messages and the values for such criteria associated with said given display opportunity (col. 3, lines 40-55); and

-automatically selecting which of said messages to show in a given display opportunity as a function of the relative values of said scores calculated for said messages (col. 3, lines 40-55).

However, Hagebarth fails to teach determining the geographical coordinates and current time of the vehicle by the GPS system, which in turn determines the location and current of the electronic displays, as a function of a desired number of exposures of the message to be made at the vehicle's location.

Treyz et al. teaches determining the geographical coordinates (col. 1, lines 36-45) and current time of the vehicle (col. 2, lines 15-25) by the GPS system, which in turn determines the location and current of the electronic displays, as a function of a desired number of exposures of the message to be made at the vehicle's location. (col. 2, lines 1-68)

It would have been obvious to an artisan at the time of the invention to include Treyz's

teaching with method of Hagebarth in order to provide users with a personalized computer

system with their vehicles.

Claims 2, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Moraes (US. 6,014,502) in view of Treyz et al. (US 6,526,335) in view of Litwin (US

2002/0174012).

As per clam 2, Moraes and Treyz et al. teach a computerized method as in Claim 1,

however, they fail to teach wherein said electronic displays are publicly visible displays.

Litwin teaches an advertisement electronic display is a publicly visible display.

(paragraphs 28 and 60)

It would have been obvious to an artisan at the time of the invention to include Litwin

teaching with method of Moraes and Treyz in order to maximize the exposure of the advertised

product.

As per claim 15, Moraes and Treyz teach a computerized method as in Claim 12,

however, fails to teach wherein said electronic displays are publicly visible displays.

Litwin teaches an advertisement electronic display is a publicly visible display.

(paragraphs 28 and 60)

It would have been obvious to an artisan at the time of the invention to include Litwin

teaching with method of Moraes and Treyz in order to maximize the exposure of the advertised

product.

As per claim 16, Moraes, Treyz and Litwin teach a computerized method as in Claim 15.

Litwin further teaches the given displays is a publicly visible display mounted on a vehicle; and

further including:

-determining a temporary location of the vehicle as it moves (paragraph 41);

-further teaches using the vehicle's temporary location to access a demographic database

containing information on the number of people of a given demographic category available to

view a showing of a message at each of a plurality of different locations, to select demographic

information on the number of people of a given type available to view a showing of a message at

the vehicle's temporary location (paragraph1 39, 40, and 41);

Moraes further teaches the method includes using the selected demographic information

in determining which messages to show(col. 5, lines 4-14).

Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hagebarth (US.

6,014,502) in view of Treyz et al. (US 6,526,335) in view of Litwin (US 2002/0174012).

As per claim 18, Hagebarth and Treyz teach the method of claim 17. However, he fails

to teach wherein said electronic displays are publicly visible displays.

Litwin teaches an advertisement electronic display is a publicly visible display.

(paragraphs 28 and 60)

It would have been obvious to an artisan at the time of the invention to include Litwin

teaching with method of Hagebarth and Treyz in order to maximize the exposure of the

advertised product.

Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagebarth

(US. 6,014,502) in view of Treyz et al. (US 6,526,335) in view of Litwin (US 2002/0174012)

further in view of Moraes (US. 6,014,502).

As per claim 19, Hagebarth, Treyz, and Litwin teach a computerized method as in Claim

18. Litwin further teaches said given display is a publicly visible display mounted on a vehicle

(paragraphs 28 and 60), and determining the vehicle's temporary location as it moves

(paragraph, 39, 40, and 41);

However, they fail to teach

-said one or more criteria associated with individual messages include one or more

demographic criteria relating to one or more types of people to which the message is to be

shown; and

-said obtaining of information regarding the values for said criteria associated with a

given display opportunity includes:

-accessing a demographic database containing information on the number of people of

one or more types available to view a showing of a message at each of a plurality of different

locations, so as to determine an estimate of the number of people of one or more types available

to view a showing of a message as a function of the vehicle's temporary location; and

-said scores are calculated as a function of the match between the demographic criteria

associated with individual messages and the estimate; of the number of people of one or more

types available to view a showing of a message at the vehicle's temporary location.

Moraes teaches a method wherein one or more criteria associated with individual

messages include one or more demographic criteria relating to one or more types of people to

which the message is to be shown (col. 5, lines 1-10); and

-said obtaining of information regarding the values for said criteria associated with a

given display opportunity includes:

-accessing a demographic database containing information on the number of people of

one or more types available to view a showing of a message at each of a plurality of different

locations, so as to determine an estimate of the number of people of one or more types available

to view a showing of a message (col. 19, lines 9-38, col. 20, lines 34-56); and

-said scores are calculated as a function of the match between the demographic criteria

associated with individual messages and the estimate (col. 5, lines 13-24; Examiner interprets

determining to be scoring);

of the number of people of one or more types available to view a showing of a message at

the vehicle's temporary location (col. 20, lines 34-55).

It would have been obvious to an artisan at the time of the invention to include Moraes

teaching with method of Hagebarth, Treyz, and Litwin in order to maximize the chances of the

user selecting a particular message.

As per claim 20, which is dependent on claim 17, it is of the same scope as claim 19 (see

rejection above).

As per claim 21, Hagebarth, Treyz, Litwin, and Moraes teach a computerized method as

in Claim 20. Moraes further teaches wherein said estimate of the number of one or more

different types of people available to view the given display opportunity is determined, at least in

part, by a computerized estimate of the number of people of the one or more different types in a

location associated with the given display opportunity based on sensor information received from

that location within an hour of the display opportunity's showing of a message (col. 19, lines 9-

38, col. 20, lines 34-56).

As per claim 22, Hagebarth, Treyz, Litwin, and Moraes teach a computerized method as

in Claim 20 wherein the estimate of the number of one or more different types of people

available to view the given display opportunity is determined, at least in part, by using a

computerized database which includes an estimate of the number said one or more different

types of people in each of a plurality of location at each of a plurality of times, to produce said

estimate as a function of the location and time of the given display opportunity (col. 5, lines 1-5,

col. 19, lines 9-38, col. 20, lines 34-56) .

Claims 3, 4, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moraes

(US. 6,014,502) in view of Treyz et al. (US 6,526,335) in view of Hoyle (US 6,771,290).

As per claim 3, Moraes and Treyz teach a computerized method as in Claim 1, wherein

said number of exposures used in calculating the desired display rate for a given message is a

function of the number of showings of the given message on one or more individual displays

(col. 19, lines 9-29).

However, they fail to include the variable number of people estimated to have had an

opportunity to see each such showing of the given message in to the function.

Hoyle teaches displaying advertisements base on its relevance to the activity of user. By

comparing this relevance, Hoyle effective increase the exposure of the advertising message

based on whether the user is present (col.24, lines 6-34).

It would have been obvious to an artisan at the time of the invention to include Hoyle's

teaching with method Moraes and Treyz in order to maximize the exposure of the advertised

product.

As per claim 4, Moraes, Treyz, and Hoyle teach a computerized method as in Claim 3.

Hoyle further teaches the method wherein said number of people estimated to have had an

opportunity to see each showing of a given message is a number of one or more particular types

of people (col.24, lines 6-34).

As per claim 8, Moraes, Treyz, and Hoyle teach a computerized method as in Claim 3.

Hoyle further teaches wherein said number of people estimated to have had an opportunity to see

an individual showing of a given message on a. given display is determined, at least in part, by a

computerized estimate of a number of people in a location associated with the display based on

sensor information received from that location within an hour of the showing of the message

(col.24, lines 6-34).

Claims 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moraes

(US 6,014,502) in view of Treyz et al. (US 6,526,335) in view of Hoyle (US 6,771,290) further

in view of Hagebarth (US 6,546,086).

As per claim 5, Moraes, Treyz, and Hoyle teach a computerized method as in Claim 4.

However, they fail to teach wherein said number of one or more particular types of people

estimated to have had an opportunity to see an individual showing of a given message on a given

display is determined, at least in part, by a computerized estimate of the number of one or more

particular types of people in a location associated with the given display based on sensor

information received from that location within an hour of the showing of the message.

Hagebarth teaches a method wherein display of advertisement is based on location associated with the display (col. 3, lines 40-55).

It would have been obvious to an artisan at the time of the invention to include Hagebarth's teaching with the method of Moraes, Treyz and Holye in order to provide sponsor with the ability to display specific advertisement within a particular location.

As per claim 6, Moraes, Treyz, and Hoyle teach a computerized method as in Claim 4. Hoyle further teaches the method wherein said number of one or more particular types of people estimated to have had an opportunity to see a given showing of a given message on a given display is determined to increase the exposure of the advertisement (col. 24, lines 1-5). However, they fail to associate demography with geographic location (col. 24, lines 1-5)

Hagebarth teaches a method wherein display of advertisement is based on location associated with the display (col. 3, lines 40-55, col. 5, lines 42-50).

It would have been obvious to an artisan at the time of the invention to include Hagebarth's teaching with the method of Moraes, Treyz, and Holye in order to provide sponsor with the ability to effectively display specific advertisement within a location.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moraes (US 6,014,502) in view of Treyz et al. (US 6,526,335) in view of Hoyle (US 6,771,290) further in view of Litwin (US 2002/0174012).

As per claim 7, Moraes, Treyz and Hoyle teach a computerized method as in Claim 3. However, they fail to teach wherein said electronic displays are publicly visible displays.

Litwin teaches an advertisement electronic display is a publicly visible display. (paragraphs 28 and 60)

It would have been obvious to an artisan at the time of the invention to include Litwin

teaching with method of Moraes, Treyz, and Hoyles in order to maximize the exposure of the

advertised product.

Claims 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moraes

(US 6,014,502) in view of Treyz et al. (US 6,526,335) in view of Hagebarth (US 6,546,086).

As per claim 9, Moraes and Treyz teach a computerized method as in Claim 1. However,

he fails to teach the method wherein the selecting of which of possible messages to show on a

given individual display is performed not only as a function of the relative values of the desired

display rate associated with different messages (col. 1, lines 44-55), but also as a function of the

match between:

-values for one or more criteria which vary as a function of the location of the given

display; and

-desired values of those one or more criteria associated with individual messages.

Hagebarth teaches a method wherein the selecting of which of possible messages to show

on a given individual display is performed not only as a function of the relative values of the

desired display rate associated with different messages (col. 1 ,lines 44-55), but also as a function

of the match between:

-values for one or more criteria which vary as a function of the location of the given

display (col. 3, lines 43-55); and

-desired values of those one or more criteria associated with individual messages (col. 3,

lines 43-55; Examiner interprets the selection selected geographical area to be desired values).

It would have been obvious to an artisan at the time of the invention to include

Hagebarth's teaching with the method of Moraes and Treyz order to provide sponsor with the

ability to effectively display specific advertisement within a location.

As per claim 10, Moraes, Treyz, and Hagebarth teach a computerized method as in Claim

9. Moraes further teaches wherein said one or more criteria include demographic criteria

concerning a number of people of a given demographic category available to view a given

showing of a message at the location of the given display (col. 5, lines 3-23).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moraes (US

6,014,502), in view of Treyz et al. (US 6,526,335) in view of Hagebarth (US 6,546,086), further

in view of Litwin (US 2002/0174012),

As per claim 11, Morae, Treyz, and Hagebarth teaches a computerized method as in

Claim 10. Morae teaches selecting message base on demographic category of the user (col. 5,

lines 3-13). Hagebarth teaches that location determines the selection of the messages.

However, they fail to teach the display is mounted on a vehicle.

Litwin teaches an advertisement electronic display is mounted on a vehicle. (paragraphs

28 and 60)

It would have been obvious to an artisan at the time of the invention to include Litwin

teaching with Moraes' method in order to maximize the exposure of the advertised product.

Response to Arguments

Applicant's arguments with respect to claims 1, 12, and 17 have been considered but are

deemed to be moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peng Ke

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100